

## REMARKS

In response to the Office Action dated 27 September 2007, please amend this application as set out. Reconsideration and re-evaluation of the application, as amended, is respectfully requested.

5           Regarding the § 112 rejections, applicant has amended the claims, as set out in the attached listing of claims. Claim 12 now depends on claim 11. There was no antecedent for "engagement means" and claim 11 is the first mention of this feature.

10           A clarity objection to claim 24 arose from initial use of the term "the first and second radial outlet ports" and subsequent use of the term "the first and second radial outlets". Claim 24 has therefore been amended to describe "the first and second radial outlets" throughout. The term "casing" has been replaced by the term "body", consistent with terminology elsewhere in the claim. Step (d) has been amended to clarify that a release of pressure results from the passage of the ball through the ball seat. This amendment is supported by page 23, lines 7-13 of the application as filed, which reads "As pressure increases on the ball 68 it is released from  
15 the ball seat 34 by passing through the throat 40. The ball 68 travels by fluid pressure until it is stopped further through the tool 10 or the work string. **On release of the pressure, spring 52 moves the sleeve 30** against the index pin 60 such that the sleeve travels to a second position."

20           As a result of the clarifying amendment to Claim 24, it is submitted that the Examiner's objection to Claim 25 should be withdrawn.

          Claims 26-31 ultimately depend on Claim 24 and since Claim 24 should now be allowable, it is submitted that the objections should be withdrawn, based at least upon their dependence on claim 24.

Claim 29 had been amended to refer to a "first ball seat" which is supported by step (c) of Claim 24, from which it depends. Claim 31 of the published International Application claimed "A method as claimed in any one of claims 24-30". Therefore, Claim 31 has been amended to depend on claim 24.

5            Claim 34 has been amended to claim "A ball seat for a downhole tool, the ball seat comprising a sleeve formed from a plurality of part cylindrical sleeves". Elsewhere, I have added "part cylindrical" in order to distinguish from the "sleeve" that is comprised by the sum of the parts. Support for this amendment can be found in the description of the Application as filed at page 36, line 26 to page 38 line 9, and specifically page 36 line 32 to page 37 line 1 which state,  
10        "The sleeves 122 combine to form a complete sleeve which is located in the body 12".

The new terminology of Claim 34 is now carried over to Claim 35. The Examiner further appears to regard "thereover" as a contrivance and "moves thereover" has been replaced with "moves relative thereto".

            New Claims 43 and 44 have been added. These claims comprise the first independent  
15        claims of respective (granted) UK divisional applications. Claim 43 combines the features of Claims 24 and 25. Claim 44 combines the features of Claims 36-38. The additional features of first and second radial outlet ports, and clarification of the relationship between the outlets/outlet ports during movement of the sleeve between first, second and third operating positions have also been added. Support for these new claims can be found in the description as a whole, and  
20        more specifically from page 12 line 15 to page 13 line 29 of the application as filed.

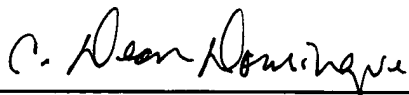
A number of clarifying amendments have been made to the description. The various different embodiments shown in figures 3(a)-(c), 4(a)-(c) and 5(a)-(c) have been amended such that they are now referred to as downhole tools 10A, 10B and 10C, respectively. It is submitted that these amendments do not add any subject matter to the Application, and merely serve to

clarify the description. Corresponding amendments have been made to old figures 3(a), 4(a) and 5(a) to reflect these amendments. Additionally, old figure 7(a) has been amended to include reference numerals 124a, 26a and 128a, referred to at page 37, lines 11-16 of the Application as filed. Replacement drawing sheets, and copies of the old pages with the amendments marked, are attached.

Application is now in order for acceptance. Applicant therefore respectfully requests favourable reconsideration of the present Application in view of the above amendments.

Respectfully Submitted,

31-Jan-2008  
Date

  
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